

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1377-MN-JLH

JURY TRIAL DEMANDED

MASIMO CORPORATION,

Counter-Claimant,

v.

APPLE INC.,

Counter-Defendant.

APPLE INC.,

Plaintiff,

v.

MASIMO CORPORATION and
SOUND UNITED, LLC,

Defendants.

C.A. No. 22-1378-MN-JLH

JURY TRIAL DEMANDED

MASIMO CORPORATION and
CERCACOR LABORATORIES, INC.,

Counter-Claimants,

v.

APPLE INC.,

Counter-Defendant.

**PLAINTIFF AND COUNTERCLAIM-DEFENDANT APPLE INC.’S REPLY
IN SUPPORT OF ITS MOTION TO DISMISS AND STRIKE
SOUND UNITED’S ANSWER AND COUNTERCLAIMS**

Defendant and Counterclaimant Sound United, LLC (“Sound United”) admits in its opposition to Plaintiff and Counterclaim-Defendant Apple Inc.’s (“Apple”) motion to dismiss its counterclaims and to strike certain of its affirmative defenses that “its inequitable conduct allegations are the same as Masimo’s inequitable conduct allegations.” D.I. 186 at 1 (-1377); D.I. 187 at 1 (-1378). Accordingly, the parties jointly agree that the Court should issue the same Report and Recommendation that the Court issued as to Masimo’s allegations regarding the inequitable conduct allegations relating to Apple’s Chief IP Counsel. *See id.*

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Respectfully submitted,

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